

Roger's Addition
SEC 36 T8N R1W

Monroe County Plan Commission

COUNTY BUILDING
119 W. 7th — Suite 115
BLOOMINGTON, INDIANA 47401

Telephone 332-1631

December 21, 1979

TO WHOM IT MAY CONCERN:

This will confirm that the existing house on Lot 3, Rogers Addition as described on the attached survey is a preexisting and non-conforming use as provided for in the Monroe County Zoning Ordinance.

Mary Alice Dunlap
Mary Alice Dunlap
Coordinator, Monroe County
Plan Commission

My Commission Expires:
12-31-79

This instrument was prepared by Thomas M. McDonald, Attorney, Bloomington, Indiana 47401.

Perry Sup. Sec 36 &
Rogers Addl.

December 1979

STATE OF INDIANA

AFFIDAVIT

SS:

COUNTY OF MONROE

Arthur Rogers and Mary E. Rogers, husband and wife, being first duly sworn upon their oaths state: That they are the same Arthur Rogers and Mary E. Rogers, who owned certain real estate located in the Southeast quarter of Section 36, Township 8 North, Range 1 West, in Monroe County, Indiana, which real estate was duly platted as Rogers Addition, consisting of three (3) lots and being a part of the Southeast quarter of Section 36, Township 8 North, Range 1 West; the recorded plat thereof being recorded in Plat Book 6, page 77 in the office of the Recorder of Monroe County, Indiana;

Prior to the recording thereof there existed upon said real estate a residence which residence is solely located upon Lot #3 of said Rogers Addition, and consists of a frame house; said house has existed in its present location since before
1944.

The recorded plat of Rogers Addition contains a 30 foot building line restriction in compliance with the Sub-division Control Ordinance of Monroe County, Indiana; said residence encroaches upon the building line restriction as shown by a plat of Lots #2 and #3 in Rogers Addition prepared by Robert W. Brunnemer, Registered Land Surveyor, Indiana Registry #6812. Said encroachment was a pre-existing non-conforming use of the Rogers Addition at the time of platting and prior to the time that the real estate in question was subject to the Zoning Ordinances of Monroe County, Indiana; that attached hereto and made a part hereof is a statement by Mary Alice Dunlap, Co-Ordinator of Monroe County Plan Commission, dated December 21, 1979;

It is the intention of affiants and this affidavit to show that the frame residence referred to above as it encroaches upon the 30 foot building line referred to above, is a pre-existing, non-conforming encroachment.

Arthur Rogers
Arthur Rogers

Mary E. Rogers
Mary E. Rogers

Subscribed and sworn to before me this 21st day of December, 1979.

Glenda Jean Chestnut
Glenda Jean Chestnut
Notary Public
Residing in Monroe County, Indiana

My Commission Expires:
12-31-79

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The following pages was transcribed from the old books of James W Spencer by M. W. Buskirk Monroe County Surveyor in 1878 by order of the county commissioners at their March term 1878



Feb 26 & 27th 1852

Surveyed for Thomas Carter & others in Section 17 T8R1W and established the following corners viz
 cor A N E corner of Section witness
 poplar 12 in diam S $83\frac{1}{2}^{\circ}$ W 64 lks
 Walnut 14. N 21° E 76 "

Line A. B = 320 11 corner I the center in the South side
 " D. C = 320.10 Witness N. W. corner of schoolhouse S 75° E 34 lks
 " C. B = 312. center of large poplar stump N 77° W 142
 " E. L = 309

corner D N W corner of section
 Burr oak 32 N $16\frac{1}{2}^{\circ}$ E 66 lks
 cor E S 38° W 27 lks
 N 88° E 31

Corner H S W corner of east half
 of S W qr. witness Sugar 30 S 74° W 80
 Sugar 16 S 39° E 30 lks
 Corner C S W corner of section
 witness Walnut 10 N 65° E 9 lks
 Sugar 20 N 65° W 98 Walnut 36 N 46° W 72

Also at the same time divided for Thomas Carter and Samuel Patton the S W qr of Section 20 T8R1W and established the following corners viz the N E qr of the east 1/2 of said quarter witness locust S 28° W 23 1/2 locust N 19° W 33 lks
 S W cor of said half Apple tree S 20° E 41 Apple tree S 36° E 44 lks
 Said quarter on the north end is 135 poles 3 1/2 ft wide
 " " " South " " 134 " " " " " " 160 "
 Through the center N & S
 containing about 135 each half 77 1/2 Acres
 James Woodburn M. C. S.

March the 6th 1852

Divided the S E quarter of section 36 T8R1W for N Stockwell established N W corner of the east half witness Mulberry 16 N 35° E 53 ft 8 in
 Also S W corner of east half of said quarter witness trees Buck 12 N 11° E 39 lks
 Buck 30 N 76° W 37 lks

James Woodburn
 M. C. S.

Length of line north of the center of N.E. qr 79 P. 14 1/2 links
 " " " South " " " " " " " " 79 " 14 1/2 "
 " " " West " " " " " " " " 79 " 13 1/2 "
 Then witness trees made South of the northern 1/2 mile
 post of Section No 10 79 Poles and 9 links is the
 distance South
 Poplar 6 inches in diameter S 76° W 48 links distant
 Poplar 10 inches in diameter N 6° E 38 1/2 links distant
 James W Spencer
 M. C. Surveyor

June 16th 1854

Ran the following lot of land for
 George Chapman in Section No 11 T 7 R 2 west
 Beginning at the western 1/2 mile post of said Section
 Thence N 85° E 78 Poles 4 1/2 links to a Stone witness tree
 Sugar 15 inches in diameter N 30° E 18 links distant
 Then S 6° E 83 Poles to a Stone witness tree
 & Walnut 4 inches in diameter S 23° W 8 links distant
 Hickory 15 inches in diameter N 46° W 24 1/2 links distant
 Then S 85° W 79 Poles 13 links to a stone witness tree Beech 6
 inches in diameter N 43° W 39 1/2 links Sugar 18 inches in diameter
 N 17° E 43 links distant Then N 6° W 79 1/2 Poles to the
 beginning Samuel Adair and George Morgan
 chain bearers by consent of parties

James W Spencer
 M. C. Surveyor

July 26th A D 1854

Ran the following lots of land as
 dower for the benefit of Elizabeth Wampler widow of
 Michael Wampler deceased Situated in the State of Ohio
 Monroe County and in Sections No 86 & 81 Township
 No 8 north of Range No one west and No 8
 of Township No 8 Range No one East and bounded
 as follows - to wit - Lot No one beginning at the
 center of Section No 81 Township No 8 Range No one
 East Witness tree Beech 20 inches in diameter N 20° W 20
 links distant Thence N 6° W 50 Poles to a stake witness
 tree Beech 20 inches in diameter W 36° W 18 1/2 links distant
 Then S 85° W 160 Poles to a Stake Then S 6° E 50
 Poles to the western 1/2 mile post of said Section No 81
 Witness — 20 inches in diameter N 1° W 33 1/2 links
 distant Sugar 4 inches in diameter N 80° W 13 1/2 links distant
 Then N 85° E 160 Poles to the beginning containing
 30 acres

Also lot No (2) beginning at the eastern $\frac{1}{2}$ mile post of Section No 136 Township No 8 Range No one west running thence $N 6^{\circ} W 53'$ Poles to a stake thence $S 85^{\circ} W 80'$ Poles to a stake witness trees Buck 18 inches in diameter $S 11\frac{1}{2}^{\circ} W 45'$ links distant Then $S 6^{\circ} E 53'$ Poles to a stake witness trees White oak 36 inches in diameter west 14 lks dist B oak 18 inches in diameter $S 44^{\circ} E 12$ lks dist Then $N 85^{\circ} E 80'$ Poles to the beginning containing twenty Seven and one half acres

The aggregate amount of lots No 1 and 2 is Seventy Seven and one half acres
Chain bearers George Smith and William F Davis sworn
This July 26th A D 1834

James W Spencer
Monroe County Surveyor

Fees of Survey	
360 Poles at \$1.00 per mile	\$1.12
3 corners at \$1.00 each	3 00
18 miles travel at 5 cts per mile	90
2 days attending court	2 30
	<u>\$7.52</u>

Received payment on the above in full this Nov 4th 1834
James W Spencer

Sept 28th A D 1834

Ran the following lot of land for John Schneidmiller (or Snider Miller pronounced) in Section No 29 Township No 7 Range one east beginning at the eastern $\frac{1}{2}$ mile post of said Section thence $S 85^{\circ} W 160$ Poles thence $N 6^{\circ} W 160$ Poles to the Northern $\frac{1}{2}$ mile post of same containing 160 acres

Troyline Myffe and William Temple chain bearers by consent of parties

James W Spencer
Monroe County Surveyor

Oct 2nd A D 1834

Ran the following lines for John G Thompson in Section No 19 in Township No 9 north Range No 1 East, beginning at the $N \frac{1}{2}$ mile post of said Section thence $S 16^{\circ} E 93'$ Poles $3\frac{1}{2}$ links to a stake Chain bearers Clifton Thompson and Lillmon B Thompson by consent

James W Spencer
Monroe County Surveyor

Established corner ^(to sec 24 & 36) for William Shields and others on the Meridian
 Line Town 8 north Range 1 west near the edge of branch
 witness taken Cicamou 6 in N 10° W 48 Lk Elm 4 in N 43° W 75 Lk Dist
 The sec corner of 30 & 31 which lie on the East side of the Meridian
 is in the branch 18 Links north of the corner above described
 The above corner was established on the 19th day of December 1873
 by agreement of parties

W. H. Enley
 M. C. Surveyor

Survey made Oct 1st 1873 for Shook and others
 in sec 16 T 10 N R 1 west Commenced at south 1/2
 mile post at a stone planted - Ran south 40.02 ch. to centre
 of section commenced again at the west 1/2 mile post in
 said section thence west through the section Dist 87.42 ch.
 made corner in centre witness 13 Walnut 16 in S 77° W 52 Lk 13 Walnut
 18 in S 66° W 73 Lk Lawrence Kelley and Christopher Seay chain
 bearers

W. H. Enley
 M. C. Surveyor

Surveyed for L. Kelley and Christopher Seay & others Oct 2nd 1873
 in sec 8 T 10 N R 1 west commenced at South west corner of
 said section ran north with view of 3 3/4 to the supposed north west
 corner of said sec Dist 314 R Established the west 1/2 m corner
 witness Elm 2 in west 9 Lk Walnut 2 in N 52° W 11 Lk
 Made corner 79 R 419 Lk South of 1/2 mile corner witness
 Birch 24 in N 13° E 55 Lk Birch 20 in N 67° W 45 Lk adjourned
 by agreement of parties indefinitely until we might have an oppo-
 rtunity to finish the work Joseph Shook & Christopher Seay chain
 bearers

W. H. Enley
 M. C. Surveyor

William Gwinn and Robert Reed being present and commencing at the North East corner of said section John May and Nathan L Rice being sworn, acting as chain bearers: ran South 61-200 y and 8. 8000 ch to the South East cor of said section. Returned on the line and established a corner 20.00 ch South of N.E. cor set a Sand Stone & took the following witnesses Beech 12 in $81\frac{1}{2}^{\circ}$ E 89 Lks - Sugar 14 in $56\frac{1}{2}^{\circ}$ E - 31 Lks. Hence ran west 61-200 ch to the land of the said Mr Gwinn and Robert Reed 20.00 ch and established a corner by setting a Sand-Stone witness of B. Walnut 6 in 53° W - 85 Lks B Walnut 10 in $58\frac{1}{2}^{\circ}$ E - 82 Lks. This survey is made as a correction of that made on the 9th day of June of the same premises, by the consent of the interested parties

H. W. only
M. C. Surveyor

Survey made this the 10th day of September 1874 for John Stepp, S. Hall, W. H. Hall, Joseph Adams, David Finley and others. Commencing at the East 1/2 mile post ^{of section 36 38 22 21 15} on said section, George Finley and W. H. Hall being sworn as chain bearers. Thence north via 4° 42.16 ch to north sec line and drove 2 imp. stake. Adjourned for the day to meet on the morning of the 11th inst at the North 1/2 m cor of 2d section. We met at the 2d time & place and owing to the absence of W. H. Hall one of the chain bearers William Beapler was duly sworn as one of the chain bearers. From the said North 1/2 mile corner we proceeded East 38.84 ch and established the N.E. section corner by driving a stake and taking the following witnesses Beech 20 in $N 15\frac{1}{2}^{\circ}$ E - 18 L. W.O. 20 in $N 25^{\circ}$ W 52 L. Established the 1/8 sec corner midway on the said line & took the witnesses W.O. 20 in $S 34^{\circ}$ E 32 L - W.O. 18 in $N 70^{\circ}$ E 33 L. Hence South 26.00 ch to south side of Public road went to dinner - Thence from public road South 41.30 ch to centre of section. Ran the line from S.E. cor to centre of section 40.50 ch. Established the 1/8 sec corner at the crossing of the last line named with the north & south line above named. Took the following witnesses to said corner Hickory 15 in $S 42^{\circ}$ W 26 L - Hickory 16 in $N 75\frac{1}{2}^{\circ}$ E 21 Lks. All the above named parties and others interested in $\frac{1}{8}$ section 26 Twp & Range above named were duly and legally notified of the above survey as appears from the return made which is on file in my office.

H. W. only Monroe Co Surveyor

H { corner made and Stone planted 36 poles $3\frac{3}{4}$ Lks South of the N $\frac{1}{2}$ Sec 28 and 30 poles 88 Lks east of where the branch or rivulet enters the creek. the branch is named in the deed that is the line between Wm C Parks and Russel Asher { witnessed by Beech 20 N 82° W $4\frac{1}{2}$ Lks do 24 S 9° W $12\frac{3}{8}$ "

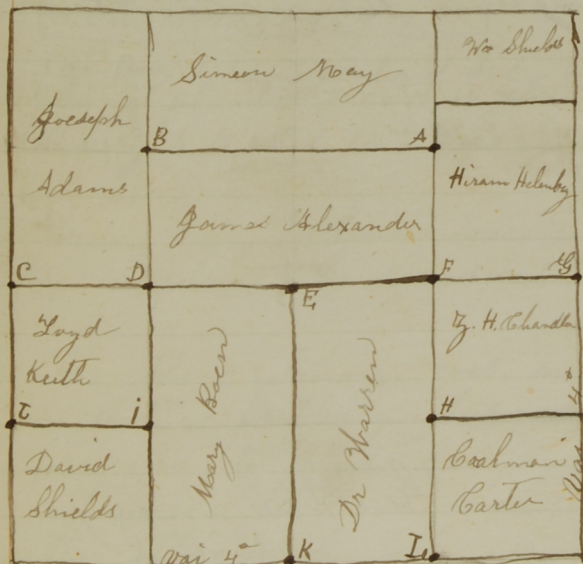
Jacob Garrison { chain bearers
Richard Stephens } by consent Sworn

+ John Kerr { Blagmon
Daniel J Patton } Sworn

The above Survey was made in compliance with a notice upon all the parties served at least ten days before the Survey Wm L. Adams accepting the Notice as Agent for Geo H New & S Coats without publication in a newspaper the Notice properly returned is now on file in the office of the County Surveyor.

Geo. H. Cannon
N.C.S.

North



South

C { west $\frac{1}{2}$ Sec 28
B Walnut 15 N 2° W $61\frac{1}{2}$ Lks
R Oak 8 S 25° W 93 "

D { corner midway between W $\frac{1}{2}$ Sec 28 and center of Sec comes right in the branch Stone planted 15 Links North of true corner witnessed by Beech 15 N $30\frac{1}{2}$ W 30 Lks do 14 N 88° E 28 " (Over)

Feb 2^d 24th 4th 5th 1880.
Survey for Simeon May and others whose names appear on plat of Sec 36 T 8 N R 1 W and established corners as they are lettered on plat and field notes accompanying

center of N.E. q^r
A Hickory 4 S 21° W $8\frac{1}{2}$ Lks
W. Oak $1\frac{1}{2}$ N $46\frac{1}{2}$ W $14\frac{3}{8}$ Lks
center of N.W. q^r
B Sugar 12 N 5° W 13 Lks
Beech 5 S 46° E 30 Lks

*Smith & Shields
Survey
Sec 36 T. 8 R. 1 W
& Secs 30 & 31 T. 8, R. 1, E*

NOTICE OF SURVEY.
Notice is hereby given to all persons interested that I together with the County Surveyor, or deputy, will run all lines and establish all corners necessary in Section 36, Township 8, N. R. 1 West, also of 30 and 31, township 8, N. R. 1 E., to determine my boundary lines of my lands.
Said survey will commence at 1 o'clock p. m. on the 22nd day of Oct. 1894. All persons interested are hereby notified to be present at Moors' Creek School house at said time and place, else the survey will proceed in your absence.
ELLA C. SMITH.



Nov 7th 1894. met pursuant to adjournment from printed notice of Ella C. Smith for the Survey of Sec 36 T. 8 R. 1 W. and Sections 30 & 31 T. 8, R. 1 E.
Said Survey was advertised to begin on the 22nd day of Oct 1894 but owing to George B. Rader deputy Surveyor not being in good health he adjourned the Survey until the 7th day of Nov 1894 when I proceeded to make the Survey in accordance with the deeds of the parties (or rather abstracts of title) as shown to me.
Established corners as per plat and field notes accompanying

- A { 8 Poles north the center of N. E. 1/4 Sec 36 T. 8, R. 1 W.
Black Oak 7 S 63° E 18 lks
Red Oak 10 N 81° E 47 "
- D { Center of S. E. 1/4 Sec 30 T. 8, R. 1 E.
Black Oak 5 N 61° E 17 lks
" " 4 S 1° W 17 "
- B { N 82° E 192.13 lks from A
Center the center of N. E. 1/4 Sec 31 T. 8, R. 1 E.
White Oak 10 N 10° 10 lks
White Oak 6 S 84° E 6 lks
- E { Half dist. bet. S. E. 1/4 m. p. & S. E. cor 30
Ironwood 3 S 21° W 13 lks
Maple 12 N 1° E 66 "
- C { 20 poles north of "B"
White Oak 10 N 45° E 30 lks
" S 44° W 27 lks

The foregoing survey was made in compliance with notice by Ella H. Smith and published in the Bloomington Telephone 3 weeks continuously previous to the 22nd day of Oct 1894. The time first set for the survey I had as assistants George Tague and Jacob E. Tague chainmen and Wm. C. Smith flagman all duly sworn.

M. H. Buskirk Sept 1st 1894

November the 30th 1894

In compliance with notice published in the "Saturday Courier" a weekly newspaper published in Bloomington Monroe County Ind. said notice having been given by Peter Bowden and Frank Delap and published three weeks continuously before the commencement of said survey ran the following ^{lines and established the following} corners in Section 35 T 10 R 3 W ran the east line of said section and established ^{by angles} $E\frac{1}{2}$ m. p. witnessed by Sugar 2 lbs north (supposed to be original govt witness tree) Also ran west line of section covered back and set stakes at average distances for $W\frac{1}{2}$ m. p. Also ran through the center of the section E & W and established corner at center of section also set corner 40 poles north of center also established corner 40 poles north of corner at half distance between center of section & $E\frac{1}{2}$ m. p. planted corner stones and marked witness at all the above corners but the notes having got destroyed I cannot record the witness trees

M. H. Buskirk ^{Deft} S. M. C.

Also begin
north 80
witnessed by
for assistants
Have all
made as

May 16 1954 A note given and James Hays follows perfect there and as I attach

FIELD NOTES.

Witness Trees	Inches in Diameter	Bearings	Distances in Links
F{ <i>Noak</i>	6	S 73½° W	13
" "	4	S 26½° W	2½

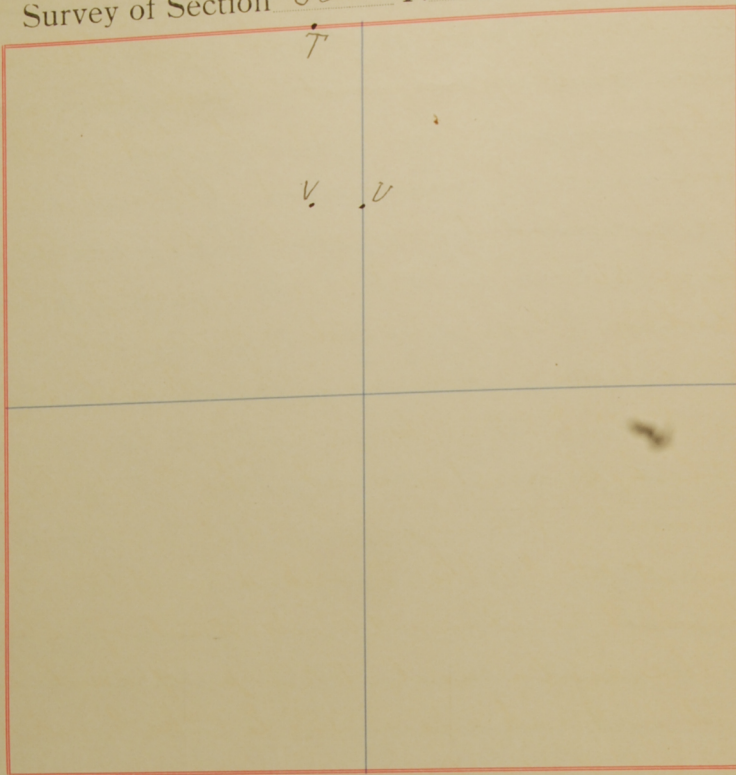
S. S. Wray

May 16
1904

A written ten days notice having been given I met at appointed time and place and organized by qualifying David Shields James Stigel chain markers and Fred Shields flagbearer we then proceeded to make the following survey as per plat and notes perpetuated the center by marking new witnesses. I hereby certify the foregoing to be a true and correct report of survey as made by me as I verily believe. In witness whereof I attach my hand and seal

L M Bowers

Survey of Section 36 T. 8 R. 1 W



FIELD NOTES.

	Witness Trees	Inches in Diameter	Bearings	Distances in Links	Witness Trees	Inches in Diameter	Bearings	Distances in Links
A	T { Beech	7	N 39° W	20				
	{ Beech	3	S 27° E	26 1/2				
B	V { Beech	6	N 14° E	9				
	{ Beech	4	S 13 1/2° W	10 1/2				
C	V { Beech	5	S 83 1/2° E	7				
	{ Beech	4	N 36 1/2° E	12 1/2				
D	{ Beech	2	N 1 1/2° E	14 1/2				
E								
F								
G								
H								

Dec 17
1907

Notice having been given in the Bloomington Star, we met pursuant thereto and organized by qualifying, Perwin Willis, Newton Adams chairman, Jos. Duncan, Arthur Eades, flagmen, we then proceeded to make the following survey in Section 36 T. 8 N. R. 1 W. as per plat and notes established a stone 20 rods West of the N. $\frac{1}{2}$ m.p. of said section witnessed by Beech 7 in N 38° W 20 lks. Beech 3 in S 27° E. 25 $\frac{1}{2}$ lks.

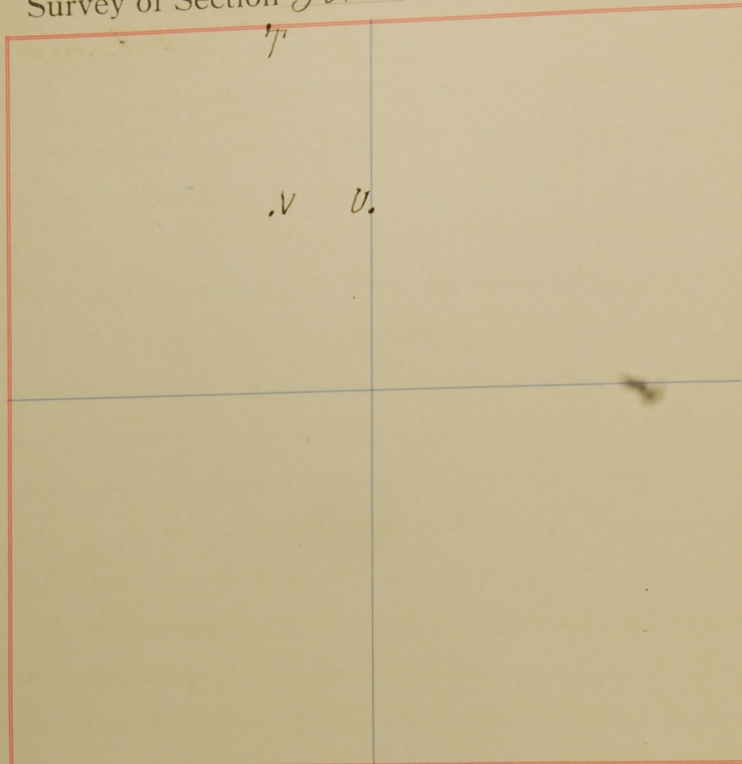
Established a stone at the $\frac{1}{2}$ distance between the center and N. $\frac{1}{2}$ m.p. of said section witnessed by B. oak 5 in N 14° E 9 lks. B. oak 4 in S $13\frac{1}{2}^{\circ}$ W 10 $\frac{1}{2}$ lks.

Established a stone 20 rods West of the $\frac{1}{2}$ distance between the center and N. $\frac{1}{2}$ m.p. of said section witnessed by B. oak 5 in S $83\frac{1}{2}^{\circ}$ E 7 lks, B. oak 4 in N $36\frac{1}{2}^{\circ}$ E 12 $\frac{1}{2}$ lks. B. oak 2 in N $1\frac{1}{2}^{\circ}$ E 14 $\frac{1}{2}$ lks.

I hereby certify the foregoing to be a true and correct report of the survey made by me on above date as I verily believe. In witness whereof I attach my hand and seal

L. M. Bowers

Survey of Section 36 T. 8 R. 1 W



FIELD NOTES.

Witness Trees	Inches in Diameter	Bearings	Distances in Links	Witness Trees	Inches in Diameter	Bearings	Distances in Links
A Beech	7	N 39° W	20				
B Beech	3	S 27° E	25½				
B Oak	5	S 14° E	9				
B Oak	4	S 13½° W	10½				
C Beech	5	S 83½° E	7				
C Oak	4	N 36½° E	12½				
D Oak	2	N 1½° E	14½				
E							
F							
G							
H							

2000 ft. of the survey from
 1917 at the point of
 by going from the
 the survey, the
 we then passed
 survey on the
 north side of
 of the North
 section of 89° 10' W
 established a stone
 the center and
 to the 5 m S 14°
 established a stone
 between the center
 to the 5 m S 14°
 North of 14° 14'
 I hereby certify
 and correct
 me on above data
 10 m witness rock
 and seal

Dec. 17th
1907

Notice having been given in the Bloomington Star we met pursuant thereto and organized by qualifying Derwin Willis, Newton Adams, chairmen, Joseph Dunnean, Arthur Eades flagmen we then proceeded to make the following survey in section 36 T 8 R 1 W. as per plat and notes established a stone 20 rods West of the North $\frac{1}{2}$ m.p. witnessed by Beech 7 in N 39° W 20 lks, Beech 3 in S 27° E 25 $\frac{1}{2}$ lks established a stone at the $\frac{1}{2}$ distance between the center and N $\frac{1}{2}$ m.p. of said section witnessed by Oak 5 in S 14° E 9 lks Oak 4 in S 13 $\frac{1}{2}$ ° W 10 $\frac{1}{2}$ lks established a stone 20 rods W. of the $\frac{1}{2}$ distance between the center and N $\frac{1}{2}$ m.p. witnessed by Oak 5 in S 83 $\frac{1}{2}$ ° E 7 lks Oak 4 in N 36 $\frac{1}{2}$ ° E 12 $\frac{1}{2}$ lks Oak 2 in N 1 $\frac{1}{2}$ ° E 14 lks

I hereby certify the foregoing to be a true and correct report of the survey made by me on above date as I verily believe
In witness whereof I attach my hand and seal

L. M. Bowers

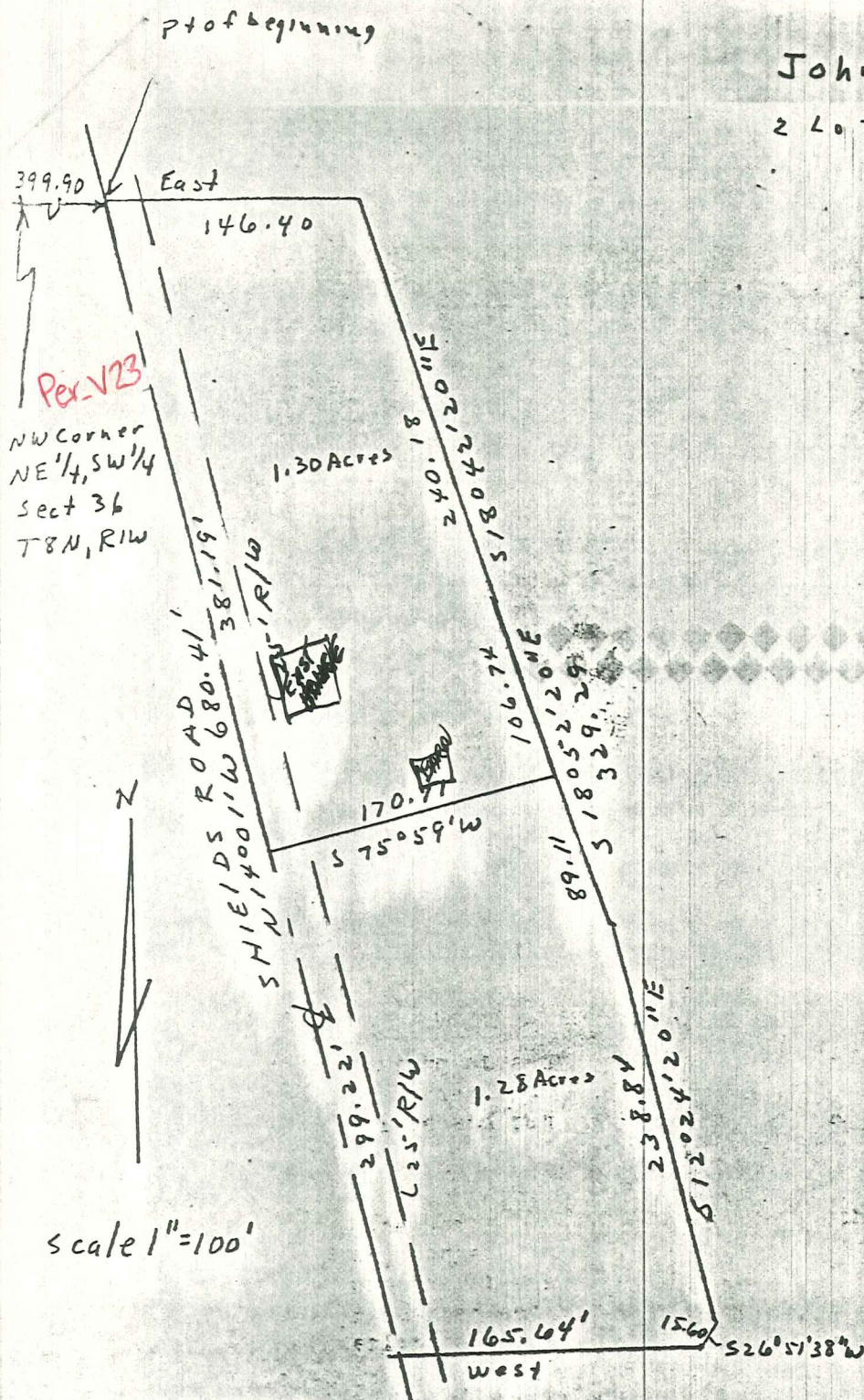
John Clark

2 L. + subdivision



Raymond Graham

Raymond Graham
R.P.E. 8409 Indiana
3215 N. Smith Pike
Bloomington, Indiana
February 27, 1980



DESCRIPTION:

A part of the Northeast quarter of the Southwest quarter in Section 36, Township 8 North, Range 1 West, Monroe County, Indiana, bounded and described as follows: Beginning at a point that is 399.90 feet East of the Northwest corner of said quarter quarter and in the centerline of Shields Road, thence leaving said road centerline and running East for 146.40 feet, thence South 18 degrees 42 minutes 20 seconds East for 240.18 feet, thence South 18 degrees 52 minutes 20 seconds East for 329.29 feet, thence South 12 degrees 24 minutes 20 seconds East for 238.84 feet, thence South 26 degrees 51 minutes 38 seconds West for 15.60 feet, thence West for 165.64 feet and to the centerline of said Shields road, thence with the centerline of said road North 14 degrees 01 minute West for 680.41 feet and to the point of beginning. Containing in all 2.58 acres, more or less. Subject to a 25.00 foot easement from the centerline of Shields Road for County Highway right-of-way.